

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ACCOUNTS RECEIVABLE INC.,

Plaintiff,

v.

ARICA JOHNSON,

Defendant.

Case No. C14-397RSL

ORDER TO SHOW CAUSE

This matter comes before the Court *sua sponte*. On March 18, 2014, defendant removed this matter from state court alleging that this Court has jurisdiction based on federal question jurisdiction. See 28 U.S.C. § 1331 (establishing that federal courts “have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.”). Pursuant to 28 U.S.C. § 1446(b), a notice of removal must be filed within thirty days of receipt by defendant of the summons and complaint. The Notice of Removal and the documents attached thereto suggest that service was effected more than thirty days before defendant removed the action. Defendant asserts that the summons and complaint were served on her January 17 or 18, 2014. Notice of Removal (Dkt. # 1) at 1-2. Thus, the Notice of Removal appears to have been filed more than thirty days after service.

1 In addition, there does not appear to be federal question jurisdiction. The
2 question of whether a claim arises under federal law for purposes of 28 U.S.C. § 1331
3 must be determined by reference to the complaint. “Federal jurisdiction exists only
4 when a federal question is presented on the face of a properly pleaded complaint.” U.S.
5 v. City of Arcata, 629 F.3d 986, 990 (9th Cir. 2010) (quoting JustMed, Inc. v. Byce, 600
6 F.3d 1118, 1124 (9th Cir. 2010)). The complaint attached to the Notice of Removal
7 shows only that plaintiff seeks to collect a debt allegedly owed by defendant. Dkt. # 1 at
8 5-6. The complaint does not appear to arise under federal law.

9
10 Defendant is hereby ORDERED TO SHOW CAUSE on or before April 11, 2014,
11 why the Court should not find the removal of this action untimely and improper for lack
12 of federal question jurisdiction and remand it state court. The Clerk of the Court is
13 directed to mail a copy of this order to defendant and to place the order to show cause on
14 the Court’s calendar for April 11, 2014.

15 Dated this 25th day of March, 2014.

16
17 

18 Robert S. Lasnik
19 United States District Judge
20
21
22
23
24
25